

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Randel Riley Davidson

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Nathan A. Dodson, Fisher Fowler & Williams
18538 Mack, Gr. Pte. Farms, MI 48236, (313) 458-8276

DEFENDANTS

United States Postal Service,
United States of America and John/Jane Doe
County of Residence of First Listed Defendant District of Columbia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2675 (a)

Brief description of cause:

This is a tort claim where Plaintiff was injured as a result of a motor vehicle accident.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$2,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. David M. Lawson

SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER 2:20-cv-12158-DML-EAS

DATE
1/14/2021

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



**FISHER
FOWLER
DODSON
WILLIAMS
& NESI**

*Personal Injury &
Professional Licensing*

18538 Mack Ave.
Grosse Pointe Farms,
MI, 48236

(313) 458-8276
(313) 469-7085 (Fax)

*Family Law
Probate Law &
Trust Litigation*

722 Notre Dame
Grosse Pointe, MI
48230

(313) 886-5769
(313) 886-5851 (Fax)

ffwplc.com

Attorneys

Dodd B. Fisher, Esq.
Aimee M. Fowler, Esq.
Nathan Dodson, Esq.
Daniel J. Williams, Esq.
Christopher J. Nesi, Esq.
Erin E. Avey, Esq.
Kurt N. Koning, Esq.
Colleen Fries, Esq.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RANDALL RILEY DAVIDSON,

Plaintiff,

-vs-

Hon.
Case No.

UNITED STATES POSTAL SERVICE,
UNITED STATES OF AMERICA and
JOHN/JANE DOE

Defendants.

Nathan Dodson (P68560)
FISHER FOWLER DODSON
WILLIAMS & NESI, PLC
Attorneys for Plaintiff
18538 Mack Avenue
Grosse Pointe Farms, MI 48236
(313) 458- 8276 / Fax (313) 469-7085
n.dodson@ffwplc.com

COMPLAINT

NOW COMES Plaintiff RANDALL RILEY DAVIDSON, through his attorneys,
FISHER FOWLER DODSON WILLIAMS & NESI, PLC, and for his Complaint against
Defendants, states the following.

1. Plaintiff, RANDALL RILEY DAVIDSON, is a resident of Dearborn Heights,
Michigan.
2. Defendant, UNITED STATES POSTAL SERVICE, (herein after USPS) is a
governmental agency of defendant USA, and the owner of the motor vehicle involved in this
matter.

3. Defendant USA is a party to the action by virtue of 28 U.S.C. §§ 1346(b) and 2671.

4. Defendant, JOHN/JANE DOE, is residency is unknown.

5. The amount of controversy exceeds \$75,000

General Allegations

6. Plaintiff incorporates by reference the allegations set forth in paragraphs 1-5.

7. Pursuant to 28 U.S.C. § 2675(a), Plaintiff has presented an administrative claim against the USPS and John Doe, alleging personal injuries stemming from an incident on May 24, 2018. Plaintiff's administrative claim has been assigned Case no. 482-10-00419967A (Tort Claim Examiner, Donna Dye).

8. On August 19, 2019, Plaintiff's administrative claim was denied.

9. On May 24, 2018, Plaintiff was proceeding lawfully by bicycle on the east side of Telegraph Rd., in the city of Dearborn Heights, MI. Plaintiff was traveling on sidewalk in front of Taco Bell when a USPS vehicle, exiting the drive of Taco Bell onto Telegraph Road, failed to see Plaintiff and struck his bike. The USPS vehicle continuing north on Telegraph Road did not stop. Mr. Davidson was knocked off his bicycle resulting in his injuries.

8. Mr. Davidson was taken via EMS to Oakwood/Beaumont Hospital where he was treated for his injuries. Mr. Davidson's treatment by several medical doctors as a result of his injuries arising out of the accident herein requires ongoing medical treatment and care.

9. As a result of the accident, Plaintiff sustained the following injuries, including but not limited to:

- (a) Neck and back injuries;
- (b) Lumbar radiculopathy, including radiation to lower left leg;

- (c) Cervical strain and cervical radiculopathy including EMG findings consistent with C5-C7 bilateral radiculopathy/irritability and aggravation to right-sided cervical radiculopathy, including new onset numbness and tingling in upper extremities;
- (d) Severe muscle spasms and nerve pain;
- (f) Pain, humiliation, anxiety, emotional distress, embarrassment, past and future, and other non-economic loss and damage; and
- (g) Plaintiff suffers emotional trauma and stress in daily living as a direct and proximate result of his pain and suffering, and
- (h) Other economic losses, past, present and future.

COUNT I. Negligence and Gross Negligence as to Defendants United States Postal Service, United States of America and John/Jane Doe

10. Plaintiff incorporates by reference the allegations set forth in paragraphs 1-9.

11. At the time of the accident herein, Defendant John/Jane Doe was operating a USPS Vehicle pursuant to his or her employment with Defendant USPS.

12. That the collision herein was caused by Defendant John/Jane Doe's careless actions and failure to use reasonable care, failure to stop in assured clear distance; this being negligence and gross negligence by said Defendant who had a duty to operate his or her vehicle in a careful and non-negligent manner which would not endanger other persons. This duty was owed to the general public and to Plaintiff in particular.

13. That Defendant, by his or her acts and omissions, violated his or her duty to the public in general and Plaintiff in particular, each and every act of negligence and gross negligence by Defendant being a direct and proximate cause of Plaintiff's damages and injuries as follows:

- (a) In operating said motor vehicle in a reckless, careless, negligent and heedless manner without due regard for the rights and safety of others, and more particularly, the Plaintiff herein; and without the caution and

circumspection as required by law; and without lookout for others or in a manner so as to endanger or be likely to endanger property and persons, in violation of MCLA 257.626, MSA 9.2326 and MCLA 257.626(b), MSA 9.2326(2) and in violation of the common law.

- (b) In operating his or her vehicle in a willful and wanton disregard for the safety of persons or property and in a manner without making proper observations; and in failing to have her motor vehicle under control to avoid such collision, contrary to the common law and MCLA 257.626, MSA 9.2326(a).
- (c) In failing to maintain a careful lookout;
- (d) In failing to operate a vehicle at a speed that permitted him or her to stop in the assured clear distance ahead;
- (e) In failing to maintain a proper lookout ahead, or make proper observation, and failing to see what was there to be seen or anticipate what might be there; as a reasonable and prudent driver would have if he had made proper observations, contrary to common law and said failure to make proper observation resulted in Defendant's vehicle colliding into the bicycle that Plaintiff was riding at the time.
- (f) In failing to control and stop the vehicle before colliding into the bicycle that was lawfully traveling in the intersection in front of the Taco Bell on Telegraph Rd., in Dearborn Heights, this action by the Defendant being without warning, contrary to MSA 9.2348 and common law.

14. That as a direct result of the Defendant's negligence and gross negligence which are in violation of the common law and Michigan statutes, which were the proximate cause of Plaintiff's injuries, the Plaintiff sustained serious and permanent injuries and damages; and substantial impairment of bodily functions and in particular without limiting the injuries enumerated in paragraph 9.

15. That Defendant USPS, under a separate and distinct duty owed to Plaintiff, is responsible for the active negligence and or gross negligence of its employees and are liable to Plaintiff for the injuries sustained by him.

16. Plaintiff demands a trial by jury in this action.

WHEREFORE, Plaintiff demands a fair and just Judgment according to the law and evidence in an amount exceeding \$2,000,000.00 Dollars, plus costs, interest and attorney fees.

Respectfully submitted,

FISHER FOWLER DODSON WILLIAMS
& NESI, PLC

By: /s/ Nathan Dodson
NATHAN DODSON (P68560)
Attorneys for Plaintiff
18538 Mack Avenue
Grosse Pointe Farms, MI 48326
(313) 458-8276/ (313) 469-7085-Fax
n.dodson@ffwplc.com

Dated: January 14, 2021

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record and all parties to the above cause via e-filing at their respective addresses, as disclosed by pleadings of record herein, on January 14, 2021. I declare under penalty of perjury, that the statement above is true to the best of my information, knowledge and belief.

/s/ Craig Heisner
CRAIG HEISNER